**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE DR JUSTICE G.YETHIRAJULU**

**WRIT PETITION NO : 16493 of 2004**

Between:

Vangapalli Venu, S/o.Late V.Parthiva Rao,
R/o.Srirampur, Adilabad Dist.

..... PETITIONER

AND

1 The Singareni Collieries Co.Ltd.,

rep.by its G.M.(Personnel), Kothagudem, Khammam Dist.
2 General Manager, Srirampur Division,

The Singareni Collieries Co., Ltd.,
Srirampur, Adilabad Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the respondents and issue an appropriate Writ, Order or Direction, particularly one in the nature of Writ of Mandamus, declaring that proceedings Ref.No.CRP/PER/WEL/DE/5402 Dated 16-12-2002 issued by the respondents in not considering and rejecting the petitioner's claim to the post of Clerk Grade-II is arbitrary, illegal, unjust, contrary to law, in violation of settlement dated 31-07-1997 and in violation of Articles 14 and 21 of the Constitution of India , and consequently by setting-aside the proceedings Ref.No. CRP/PER/WEL/DE/5402 Dated 16-12-2002 and also consequently direct the respondents to consider the petitioner's claim to the suitable post/Clerk Grade-II in view of the letter dated 22/24-3-1996, as per the terms of settlement dated 31-7-1997 and pass such other order or orders as deemed fit and proper under the circumstances of the case.(Prayer is amended as per court order dated 1-10-2004 in W.P.M.P.No.22730/2004)(Amended copy attached).

**Counsel for the Petitioner:MR.A.K.JAYAPRAKASH RAO**

**Counsel for the Respondents : MR.NANDIGAM KRISHANA RAO(SC FOR**

**SINGARENI COLLIERIES)**

The Court at the stage of admission made the following **ORDER**:

The petitioner contends that his father, while working in the respondent-Company, died in 1994. The petitioner contends that as per the existing rules and circulars issued by the respondent-Company in pursuance of a settlement dated 31-07-1997, the dependants of the deceased employees should be given suitable alternative employment. Basing on the above settlement, the dependants of several employees, who died while in service, were considered and appointed. The petitioner further contends that he is qualified for appointment as a Clerk, Grade II.

The grievance of the petitioner is that though he was called for a written test and interview for the post of Clerk, Grade II, he was not permitted through the call letter dated 25-01-1999 to appear for the written test on the ground that he was not given consent for appointment as General Mazdoor. He made representations to the first respondent for suitable post, therefore, it amounts to consent. The petitioner filed Writ Petition No.7699 of 2002 before this Court, and this Court directed the petitioner to make a representation to the concerned authorities, and the concerned authorities shall pass appropriate orders. In pursuance of the direction given by this Court, the first respondent passed an order on 16-12-2002 mentioning that the petitioner has not given consent; therefore, his case cannot be considered for appointment as Clerk, Grade II. The grievance of the petitioner is that his representations were not considered in the light of the circular issued by the first respondent in pursuance of the settlement dated 31-07-1997. The petitioner, therefore, approached this Court through this Writ Petition seeking to declare that the action of the respondents, in not passing any orders on his representation dated 12-08-2004, as illegal, arbitrary and violative of Articles 15,16 and 21 of the Constitution of India.

The rejection order passed by the first respondent on 16-12-2002 indicates

that since the petitioner did not give consent for appointment as a temporary General Mazdoor, he is not entitled to be considered for the post of Clerk, Grade II. There is no mention in the said order whether the instructions in the circulars issued in pursuance of the settlement dated 31-07-1997 were followed while passing the order dated 16-12-2002.

In the light of the submissions made on behalf of the petitioner, the second respondent is directed to consider whether the circulars issued in pursuance of the settlement dated 31-07-1997 are applicable to the case of the petitioner, if so, to consider the representation of the petitioner dated 12-08-2004 regarding his request for providing suitable job and pass appropriate orders according to the existing circulars, and rules and regulations within two months from the date of receipt of a copy of this order. The second respondent may also take into consideration the present employment of the petitioner with the respondent-Company.

The Writ Petition is accordingly disposed of.

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Dr. G. Yethirajulu, J.

Dt:8th October, 2004

Rns.

ASSISTANT REGISTRAR